Council should call the named individuals to the United Nations for dialogue and questioning.

Lead the U.N. Security Council in enforcing Resolution 1564, to hold accountable the Government of Sudan for its documented failure to meet its international obligations to end violence and protect civilians in Darfur. I urge you to work with the U.N. Security Council to fully implement Resolution 1564, which calls on the Security Council to consider ''additional measures as contemplated in Article 41 of the Charter of the United Nations, such as actions to affect Sudan's petroleum sector and the Government of Sudan or individual members of the Government of Sudan,'' if the Government of Sudan fails its previous obligations under international law, including U.N. Security Council Resolution 1556 and the Joint Communique dated July 3, 2004.

Several official reports, including a U.N. report published on January 27, 2006, demonstrate unequivocally that the Government of Sudan has failed its obligations. It has failed to protect civilians in Darfur, and it has failed to punish members of the military and the Janjaweed for violations of international human rights law. These realities and Resolution 1564 should now compel the Security Council to consider Article 41 measures against the Government of Sudan.

Ensure that the U.N. Security Council listens to the experts. I urge you to convene a briefing for members of the Security Council by experts who can describe the situation in Darfur, eastern Chad, and eastern Sudan. The Security Council should hear testimony from Juan Mendez, Special Advisor to the Secretary-General on the Prevention of Genocide. As you know, the Security Council did not allow Mr. Mendez to present his observations in October 2005.

Stop the violence from spreading into Chad. I urge you to monitor tensions along the Chad-Sudan border and to focus the U.N. Security Council on this important issue. The U.N. Secretary-General noted in his January 30 report to the Security Council that ''there has been a worrying build-up of armed forces of the two States and local militias on both sides of the border,'' and that ''it is vitally important that the situation in the border areas of Chad and the conflicts in the Sudan do not combine to propel the two countries and the whole region towards confrontation and conflict.''

More specifically, I urge you to work with the Security Council and the African Union to monitor implementation of the February 8, 2006 accord between the Presidents of Chad and Sudan, and to deter all parties from escalating the conflict. The safety of at least three million civilians along the Chad-Sudan border depends on your attention to this issue.

Call publicly for better behavior from Khartoum. Using Resolutions 1591 and 1564 and other points of leverage, I urge you to call on the Government of Sudan—particularly the National Congress Party in Khartoum—to immediately desist from violence against civilians; protect safe passage for aid workers; cooperate fully with international peacekeepers; engage constructively in the peace talks in Abuja; diffuse tensions along the Chad-Sudan border; and disarm and punish the Janjaweed and other groups responsible for genocidal violence in Darfur.

I urge you to call similarly on the Government of Sudan to implement the Comprehensive Peace Agreement without delay and in full consultation with the Government of Southern Sudan, and to protect civilians and peacefully address the situation in eastern Sudan.

Work with the U.N. Security Council to address attacks by rebel groups in Darfur. I urge you to work with the Security Council to make it clear to all rebels and perpetrators of violence in Sudan and Chad that attacks against civilians and aid workers are violations of international law; and that continued international consideration of their grievances depends directly upon their immediate cessation of violence against civilians.

Plan for reconstruction in Darfur. Through a new Presidential Envoy or other U.S. officials, I urge you to begin working with the World Bank and other stakeholders on a Joint Assessment Mission to plan for reconstruction in Darfur. This may help to accelerate the peace process by demonstrating to the Darfur rebels and the Government of Sudan that peace can bring financial dividends, and, once peace has been established, it will help to speed reconstruction and promote stability.

Support reconstruction in southern Sudan. I urge you to provide strong, material support to the Government of Southern Sudan as it builds a stable state, economy, and society in the wake of decades of conflict. Similarly, I urge you to encourage the Government of Southern Sudan to engage constructively in the Darfur peace negotiations.

During the last century, in Nazi Europe, Cambodia, and elsewhere, the international community failed to protect millions of innocent people from genocide and horrific crimes. We look back and wonder how the world allowed those killings to continue. We must find a way to protect civilians in Darfur, without further delay.

As you know, I and other members of the U.S. Congress recognized the genocide in Darfur in July 2004. In September 2004, then Secretary of State Colin Powell did the same. A few months later, in January 2005, a U.N. International Commission of Inquiry established by U.N. Security Council Resolution 1564 also found strong evidence of genocide in Darfur. In February 2006, Secretary of State Rice said that ''genocide was committed and in fact continues in Darfur.'' Even so, international agreement on the existence of genocide has little connection to the need or basis for action.

Hundreds of acts of violence in Darfur, many constituting crimes against humanity and war crimes—along with specific descriptions of the perpetrators—have been recorded in detail by the U.S. State Department, the United Nations, the African Union, the NGO community, and other organizations. I urge you to read these gruesome accounts, and to also review the list of individuals who have been identified by the U.N. Panel of Experts established by U.N. Security Council Resolution 1591. In the case of Darfur, we are now obligated by the U.N. Charter, the Responsibility to Protect, several statutes of international human rights law, and existing U.N. Security Council resolutions to transform our awareness into action.

Therefore, I urge you, as President of the United States, to remind the international community of its commitments and to work urgently with the United Nations, the African Union, and NATO to protect civilians and address the growing crises in Darfur, eastern Chad, and eastern Sudan. Thank you for your attention to these urgent matters.

Sincerely,

HILLARY RODHAM CLINTON.

DISSENT TO THE UNITED STATES COMMISSION ON CIVIL RIGHTS REPORT ON S. 147

Mr. AKAKA. Mr. President, I rise today to share information about S. 147, the Native Hawaiian Government Reorganization Act of 2005. Some of my colleagues have made reference to a recent report issued by the U.S. Commission on Civil Rights which characterizes my bill as race-based legislation. The report itself, however, does not contain any substantive analysis. Rather, it outlines the testimony that was presented to the commission.

I have already shared with my colleagues my dismay and displeasure with the manner in which the Commission considered S. 147. Not once did they contact the Hawaii Advisory Committee to the Commission, which is composed of experts on Hawaii's history, Federal Indian Law, and Federal policies toward indigenous peoples. In addition, during the briefing upon which this report is based, it was clear that certain Commissioners lacked a general understanding of Federal Indian law, a necessary context to understand the existing political and legal relationship between native Hawaiians and the United States.

Commissioner Michael Yaki understood both the history of Hawaii and Federal Indian Law and he, along with Commissioner Arlen Melendez, dissented from the Commission's position that S. 147 is race-based legislation. I ask unanimous consent that Commissioner Yaki's dissent be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DISSENTING STATEMENT OF COMMISSIONER YAKI

COMMISSIONER MELENDEZ CONCURS IN THE DISSENT

PREFACE

As a person quite possibly with native Hawaiian blood running through his veins, it is quite possible to say that I cannot possibly be impartial when it comes to this issue. And, in truth, that may indeed be the fact. Nevertheless, even before my substantive objections are made known, from a process angle there were serious and substantial flaws in the methodology underlying the report.

First, the report relies upon a briefing from a grand total of 4 individuals, on an issue that has previously relied upon months of research and fact gathering that has led to 2 State Advisory Commission reports, 1 Department of Justice Report, and Congressional action (the ''Apology Resolution''), not to mention testimony before the Congress on the NHGRA bill itself that was never incorporated into the record.

The paucity of evidence adduced is hardly the stuff upon which to make recommendations or findings. Even though the Commission, to its credit, stripped the report of all its findings for its final version, does that not itself lend strength and credence to the suggestion that the briefing was flawed from the inception? And if so flawed, how can the Commission opine so strongly upon a record that it could not even find supported now non-existent findings?

Second, aside from ignoring the volumes of research and testimony that lie elsewhere and easily available to the Commission, we ignored soliciting advice and comment from our own State Advisory Commission of Hawai'i. Over the past two decades, the Hawai'i Advisory Committee to the United States Commission on Civil Rights (HISAC) has examined issues relating to federal and state

relations with Native Hawaiians. As early as 1991, HISAC recommended legislation confirming federal recognition of Native Hawaiians. A mere five years ago, the HISAC found that ''the lack of federal recognition for native Hawaiians appears to constitute a clear case of discrimination among the native peoples found within the borders of this nation.'' The HISAC concluded ''[a]bsent explicit recognition of a Native Hawaiian governing entity, or at least a process for ultimate recognition thereof, it is clear that the civil and political rights of Native Hawaiians will continue to erode.'' The HISAC found that ''the denial of Native Hawaiian self-determination and self-governance to be a serious erosion of this group's equal protection and human rights.'' Echoing recommendations by the United States Departments of Justice and Interior, the HISAC ''strongly recommend[ed]'' that the federal government ''accelerate efforts to formalize the political relationship between Native Hawaiians and the United States.'' The HISAC's long-standing position of support for legislation like S. 147 to protect the civil rights of native Hawaiians belies recent assertions that such legislation discriminates on the basis of race and causes further racial divide.

The HISAC could and would have been a key source of information, especially updated information, on the state of the record. To exclude them from the dialogue I believe was indefensible and a deliberate attempt to ensure that contrary views were not introduced into the record.

Third, the report as it stands now makes no sense. The lack of findings, the lack of any factual analysis, now makes the report the proverbial Emperor without clothes. The conclusion of the Commission stands without support, without backing, and will be looked upon, I believe, as irrelevant to the debate. Such if the risk one runs when scholarship and balance are lacking.

Substantively, the recommendation of the Commission, cannot stand either. It is not based on facts about the political status of indigenous, Native Hawaiians, nor Native Hawaiian history and governance or facts about existing U.S. policy and law concerning Native Hawaiians. It is a misguided attempt to start a new and destructive precedent in U.S. policy toward Native Americans. The USCCR recommendation disregards the U.S. Constitution that specifically addresses the political relationship between the U.S. and the nations of Native Americans. The USCCR disregarded facts when the choice was made not to include HISAC in the January 2006 briefing on NHGRA, and not utilizing the past relevant HISAC reports concerning Native Hawaiians based on significant public hearing and facts. Spring-boarding from trick phrasing and spins offered by ill informed experts, and at least one who has filed suit to end Native Hawaiian programs established through Congress and state constitution, the USCCR majority recommendation is an obvious attempt to treat Native Hawaiians unfairly in order to begin the process of destroying existing U.S. policy towards Native Americans.

FACTS ABOUT INDIGENOUS NATIVE HAWAIIANS, NATIVE HAWAIIAN AND U.S. HISTORY AND THE DISTINCT NATIVE HAWAIIAN INDIGENOUS POLITICAL COMMUNITY TODAY

Native Hawaiians are the indigenous people of Hawai'i, just as American Indians and Alaska Natives are the indigenous peoples of the remaining 49 states. Hawai'i is the homeland of Native Hawaiians. Over 1200 years prior to the arrival of European explorer James Cook on the Hawaiian islands, Native Hawaiians self-determined their form of governance, culture, way of life, priorities and economic system to cherish and protect their homelands, of which they are physically and spiritually a part, and did so continuously until the illegal overthrow of their government by agents and citizens of the U.S. government in 1893. In fact the U.S. engaged in several treaties and conventions with the Native Hawaiian government, including 1826, 1842, 1849, 1875 and 1887.

Though deprived of their inherent rights to self-determination as a direct result of the illegal overthrow, coupled with subsequent efforts to terminate Native Hawaiian language, leaders, institutions and government functions, Native Hawaiians persevered as best they could to perpetuate the distinct vestiges of their culture, institutions, homelands and government functions maintaining a distinct community, recognizable to each other.

Today, those living in Hawai'i recognize these aspects of the distinct, functioning Native Hawaiian political community easily. For example: the Royal Benevolent Societies established by Ali'i (Native Hawaiian chiefs and monarchs) continue to maintain certain Native Hawaiian government assigned and cultural functions; the private Ali'i Trusts, such as Kamehameha Schools, Queen Lili'uokalani Trust, Queen Emma Foundation and Lunalilo Home, joined by state government entities established for indigenous Hawaiians, including the Office of Hawaiian Affairs and the Department of Hawaiian Homelands, and Native Hawaiian Serving institutions such as Alu Like, Inc. and Queen Lili'uokalani Children's Center continue the Native Hawaiian government functions of caring for Native Hawaiian health, orphans and families, education, elders, housing economic development, governance, community wide communication and culture and arts; the resurgence of teaching and perpetuation of Native Hawaiian language and other cultural traditions; Native Hawaiian civic participation in matters important to the Native Hawaiian community are conducted extensively through Native Hawaiian organizations including, the Association of Hawaiian Civic Clubs, the State Council of Hawaiian Homestead Associations, the Council for Native Hawaiian Advancement, Ka Lahui and various small groups pursuing independence; Native Hawaiian family reunions where extended family members, young and old, gather to talk, eat, pass on family stories and history, sometimes sing and play Hawaiian music and dance hula and pass on genealogy.

Indeed, if the briefing had been as consultative with the HISAC as it could have been, there would have been testimony that, for example, the Royal Order of Kamehameha, or the Hale O Na Ali'I O Hawai'i, or the Daughters of Ka'ahumanu continue to operate under principles consistent with the law of the former Kingdom of Hawai'i. There would have been testimony that these groups went ''underground'' due to persecution but remained very much alive during that time.

The distinct indigenous, political community of Native Hawaiians is recognized by Congress in over 150 pieces of legislation, including the Hawaiian Homes Commission Act and the conditions of statehood. Native Hawaiians are recognized as a distinct indigenous, political community by voters of Hawai'i, as expressed in the Hawai'i State Constitution.

The notion introduced by opponents to the NHGRA that the Native Hawaiians don't ''fit'' Federal Regulations governing recognition of Native American tribes because they lacked a distinct political identity or continuous functional and separate government would ignore all manifestations of such identity, existence, and recognition noted above.

THE NHGRA DOES NOT SET NEW PRECEDENT IN U.S.

The Native Hawaiian Government Reorganization Act of 2005 (NHGRA) is in fact a measure to establish fairness in U.S. policy towards the 3 groups of Native Americans of the 50 United States, American Indians, Alaska Natives and Native Hawaiians. The U.S. already provides American Indians and Alaska Natives access to a process of federal recognition, and the NHGRA does the same for Native Hawaiians based on the same Constitutional and statutory standing.

I. LEGAL AUTHORITIES ESTABLISHING OHA! PURPOSE OF OHA

Hawai'i became the 50th State in the union in 1959 pursuant to Pub. L. No. 86–3, 73 Stat. 5 (''Admission Act''). Under this federal law, the United States granted the nascent state title to all public lands within the state, except for some lands reserved for use by the federal Government. These lands (''public lands trust'') ''together with the proceeds from the sale or other disposition of any such lands and the income therefrom, shall be held by [the State] as a public trust for the support of the public schools, . . . the conditions of native Hawaiians'' and other purposes.

In 1978, the multicultural residents of Hawai'i voted to amend its state Constitution to (1) establish the Office of Hawaiian Affairs (''OHA'') to ''provide Hawaiians the right to determine the priorities which will effectuate the betterment of their condition and welfare and promote the protection and preservation of the Hawaiian race, and . . . [to] unite Hawaiians as a people;'' and (2) to establish the public lands trust created by the Admission Act as a constitutional obligation of the State of Hawaii to the native people. The constitutional mandate for OHA was implemented via the enactment of Chapter 10, Hawaii Revised Statutes, in 1979. OHA's statutory purposes include ''[a]ssessing the policies and practices of other agencies impacting on native Hawaiians and Hawaiians,'' conducting advocacy efforts for native Hawaiians and Hawaiians,'' ''[a]pplying for, receiving, and disbursing, grants and donations from all sources for native Hawaiian and Hawaiian programs and services,'' and ''[s]erving as a vehicle for reparations.'' OHA administers funds derived for the most part from its statutory 20% share of revenues generated by the use of the public lands trust.

Several legal challenges to the existence of OHA based upon the 14th Amendment to the United States Constitution have been filed by various Plaintiffs, some of whom are represented by Mr. Burgess. Mr. Burgess has thus far failed to win the relief he has sought, including injunctive relief, either in the United States District Court for the District of Hawaii or the United States Court of Appeals for the Ninth Circuit. The denial of injunctive relief to Mr. Burgess's clients presents a powerful rebuttal to their claims that OHA's administration of its constitutional and statutory obligations to native Hawaiians and Hawaiians deprives all Hawaii's citizens of equal protection of law.

Mr. Burgess describes the ''driving force'' behind the NHGRA as ''discrimination based upon ancestry''. Nothing could be further from the truth or more illogical. The ''driving force'' behind the creation and passage of NHGRA is the desire of the Hawaiian people, and virtually every political representative in the State of Hawaii to achieve legal parity and federal recognition as with the other two native indigenous peoples of America, namely American Indian Nations and Native Alaskans. There is no constitutional impediment to congressional federal recognition of the Hawaiian people.

Then-United States Solicitor John Roberts (now Chief Justice Roberts) argued in his prior legal briefs to the United States Supreme Court in Rice v. Cayetano: ''[t]he Constitution, in short, gives Congress room to

deal with the particular problems posed by the indigenous people of Hawaii and, at least when legislation is in furtherance of the obligation Congress has assumed to those people, that legislation is no more racial in nature than legislation attempting to honor the federal trust responsibility to any other indigenous people.'' It is, in sum, ''not racial at all.''

Roberts went on to say: Congress is constitutionally empowered to deal with Hawaiians, has recognized such a ''special relationship,'' and—''[i]n recognition of th[at] special relationship''—has extended to Native Hawaiians the same rights and privileges accorded to American Indian, Alaska Native, Eskimo, and Aleut communities.'' 20 U.S.C. §7902(13) (emphasis added). As such, Congress has established with Hawaiians the same type of ''unique legal relationship'' that exists with respect to the Indian tribes who enjoy the ''same rights and privileges'' accorded Hawaiians under these laws. 42 U.S.C. §11701(19). That unique legal or political status—not recognition of ''tribal'' status, under the latest executive transmutation of what that means—is the touchstone for application of Mancari when, as here, Congress is constitutionally empowered to treat an indigenous group as such.

NHGRA IS A MATTER OF INDIGENOUS POLITICAL STATUS AND RELATIONSHIP BETWEEN THE U.S. AND THE NATIVE HAWAIIAN GOVERNMENT. AND NOT A RACIAL MATTER.

Under the U.S. Constitution and Federal law, America's indigenous, native people are recognized as groups that are NOT defined by race or ethnicity, but by the fact that their indigenous, native ancestors exercised sovereignty over the lands and areas that subsequently became part of the United States. It is the pre-existing sovereignty, sovereignty that pre-existed the formation of the United States which the U.S. Constitution recognizes and on that basis, accords a special status to America's indigenous, native people.

The tortured attempts by persons such as Mr. Burgess to distinguish Native Hawaiians from Native Americans ultimately fail by simple historical comparison. Like the Native Americans, the Native Hawaiians predated the establishment of the United States. Like the Native Americans, the Native Hawaiians had their own culture, form of government, and distinct sense of identity. Like Native Americans, the United States stripped them of the ownership of their land and trampled over their sovereignty. The only distinction—one without a difference—is that unlike the vast majority of Native American tribes, the Native Hawaiians were not shipped off, force-marched, and relocated to another area far from their original homelands.

It is somewhat disingenuous that the opponents of NHGRA are suggesting that extending this same U.S. policy to Native Hawaiians, the indigenous, native people of the 50th state would lead to racial balkanization. There are over 560 federally recognized American Indian and Alaska Native governing entities in 49 of 50 states, coexisting with all peoples and federal, state and local governments. There is absolutely NO evidence to support this notion, and seems to be spread simply to instill unwarranted fear and opposition to the NHGRA.

NHGRA IS CONSTITUTIONAL

In United States v. Lara, the Supreme Court held that ''[t]he Constitution grants Congress broad general powers to legislate in respect to Indian tribes powers that we have consistently described as plenary and exclusive.'' In 1954, Congress terminated the sovereignty of the Menominee Indian Tribe in Wisconsin. In 1973, Congress exercised its discretion, changed its mind, and enacted the Menominee Restoration Act, which restored sovereignty to the Menominee Tribe.

NHGRA does little more than follow the precedent allowed by Lara and exercised in the Menominee case. Reliance on federal regulations as gospel ignores the fact that the plenary authority of Congress has resulted in restoration of tribal status, in the case of the Menominee, and the retroactive restoration of tribal lands, as in the case of the Lytton Band in California. The Attorney General of Hawaii, many distinguished professors, and the American Bar Association all firmly believe that Congress has the authority to recognize Native Hawaiians.

All that NHGRA seeks is parity in U.S. policies towards the three indigenous, native people in the 50 states, American Indians, Alaska Natives and Native Hawaiians. Under the U.S. Constitution and Federal law, America's indigenous, native people are recognized as groups that are not defined by race or ethnicity, but by the fact that their indigenous, native ancestors, exercised sovereignty over the lands and areas that subsequently became part of the United States. It is the pre-existing sovereignty, sovereignty that pre-existed the formation of the United States which the U.S. Constitution recognizes and on that basis, accords a special status to America's indigenous, native people.

If one accepts the Commission's pronouncement against subdividing the country into ''discrete subgroups accorded varying degrees of privilege,'' then the Commission should immediately call for an end to any recognition of additional Indian tribes. Since that would clearly contravene the Constitutional authority of Congress, that would seem to be an unlikely—and illegal—outcome. Given that the authority for NHGRA stems from the same constitutional source as that for Native Americans, then the Commission majority has chosen to ignore the constitutionality of the proposed law.

NHGRA HAS THE SUPPORT OF THE RESIDENTS OF HAWAI'I AS REFLECTED IN TWO SCIENTIFIC POLLS, THE FACT THAT THE MAJORITY OF OFFICIALS ELECTED BY THE VOTERS OF HAWAI'I SUPPORT NHGRA

The results of a scientific poll in Hawaii showed 68 percent of those surveyed support the bill. The statewide poll was taken Aug. 15–18 by Ward Research, a local public opinion firm. The results are consistent with a 2003 poll. While polls alone do not a mandate make, the consistency between the two polls shows that despite the best efforts of opponents such as Mr. Burgess, the multicultural, multiethnic residents of Hawaii support the recognition of Native Hawaiians and allowing them to take the first, tentative, steps toward recognition and sovereignty.

More importantly, the elected officials of Hawaii have almost unanimously thrown their support to the NHGRA. The NHGRA is supported by most of the elected officials of Hawai'i, including the entire Hawai'i Congressional Delegation, Governor Linda Lingle, the Senate and House of the State Legislature (except two members), all 9 Trustees of the Office of Hawaiian Affairs and the mayors of all four counties of Hawai'i.

CONCLUSION

The NHGRA is about justice. It is about righting a wrong. It is about recognition of the identity and sovereignty of a people who survived attempts by our government to strip them of these precious rights over a hundred years ago. Far from the racial balkanization spread by its opponents, NHGRA is simply a step—a baby step at that—towards potential limited sovereignty and self-governance.

Most who live in Hawai'i know the distinct Native Hawaiian community, with its own language and culture, is the heart and breath of Hawai'i. Hawai'i, and no other place on earth, is the homeland of Native Hawaiians.

On one thing the proponents and opponents of NHGRA seem to agree: Hawai'i is a special place in these United States, a multicultural society and model for racial and ethnic harmony that is unlike anywhere else in our country and, increasingly, the world. It is also a place where its multicultural residents recognize the indigenous Native Hawaiian culture as the host culture with a special indigenous political status where there are state holidays acknowledging Native Hawaiian monarchs, and the Hawaiian language is officially recognized.

Perhaps it is the ''mainlanders'' lack of context and experience that creates a debate where, in Hawai'i, there is practically none. In the mainland, we think of ''Aloha'' as Hawaii Five-O, surfing, and brightly colored shirts that remain tucked away in the back of our closets. In Hawai'i, however, Aloha and the Aloha spirit is more than just a slogan. It is proof positive of the influence and power of the Native Hawaiian people and culture that exists and thrives today. In my lifetime, I have seen growing awareness, acceptance and usage of Hawaiian culture, symbols, and language. It is now almost mandatory to use pronunciation symbols whenever Hawaiian words are printed, whereas twenty years ago it was ignored. Multiculturalism in modern Hawai'i means that non-Native Hawaiians respect and honor the traditions of a people who settles on these volcanic paradises after braving thousands of miles of open ocean. The least we can do, the ''we'' being the American government which took away their islands, is to accord them the basic respect, recognition, and privileges we do all indigenous peoples of our nation. NHGRA will give meaning to the Apology Resolution; it will begin the healing of wounds.

That same aloha spirit that imbues the multicultural islands of Hawai'i will, in my opinion, ensure that the processes contained in NHGRA will inure to the benefit of all the people of Hawaii. Perhaps more than any other place in our Union, fears of racial polarization, discrimination, or unequal treatment resulting from the passage of NHGRA should be seen as distant as the stars which the Hawaiians used to navigate their wa'a, their canoes, across the vastness of the seas.

Mr. INHOFE. Mr. President, I am submitting for inclusion in the RECORD a letter from the Congressional Budget Office providing cost estimates for two bills ordered reported from the Committee on Environment and Public Works on May 23, 2006 and reported without written report to the full Senate on May 24, 2006, S. 801 and S. 2650. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 24, 2006,

Hon. JAMES M. INHOFE, CHAIRMAN,
Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed the following legislation, as ordered reported by the Senate Committee on Environment and Public Works on May 23, 2006:

S. 801, a bill to designate the United States courthouse located at 300 North Hogan Street, Jacksonville, Florida, as the ''John Milton Bryan Simpson United States Courthouse'';

S. 2650, a bill to designate the Federal courthouse to be constructed in Greenville,

South Carolina, as the ''Carroll A. Campbell, Jr. Federal Courthouse.''

CBO estimates that enactment of these bills would have no significant impact on the Federal budget and would not affect direct spending or revenues. These bills contain no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on State, local, or tribal governments. If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

DONALD B. MARRON,
Acting Director.

INTELLIGENCE AUTHORIZATION ACT REFERRAL

Mr. WARNER. Mr. President, I ask unanimous consent that the following letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON ARMED SERVICES,
Washington, DC, May 25, 2006.

Hon. BILL FRIST,
Majority Leader,
U.S. Senate, Washington, DC.

DEAR MR. LEADER: Pursuant to paragraph 3(b) of S. Res. 400 of the 94th Congress, as amended by S. Res. 445 of the 108th Congress, I request that the Intelligence Authorization Act for Fiscal Year 2007, as ordered reported by the Select Committee on Intelligence on May 23, 2006, be sequentially referred to the Committee on Armed Services for a period of 10 days. This request is without prejudice to any request for an additional extension of five days, as provided for under the resolution.

S. Res. 400, as amended by S. Res. 445 of the 108th Congress, makes the running of the period for sequential referrals of proposed legislation contingent upon the receipt of that legislation ''in its entirety and including annexes'' by the standing committee to which it is referred. Past intelligence authorization bills have included an unclassified portion and one or more classified annexes.

I request that I be consulted with regard to any unanimous consent or time agreements regarding this bill.

With kind regards, I am

Sincerely,

JOHN WARNER,
Chairman.

IN HONOR OF ASIAN PACIFIC AMERICAN HERITAGE MONTH

Mrs. FEINSTEIN. Mr. President, I rise today in recognition of Asian Pacific American Heritage Month. It is a time to recognize the immeasurable contributions in service, commerce, and cultural diversity made by Americans of Asian and Pacific Islander descent who continue to strengthen our great Nation's character and influence.

I believe that the United States draws its strength from a proud history of immigration.

The Asian Pacific American community is an essential part of that tradition and it boasts an extremely vibrant and diverse population.

Places such as Chinatown, Korea Town, Little Tokyo, Little Saigon, and Filipino Town only enhance the richness of the American urban landscape.

Today, more than 14 million Asian Pacific Americans live in the United States.

I am proud to come from the State that has the highest population of Asian Pacific Americans, nearly 5 million.

In particular, Los Angeles County is home to the country's single largest Asian community, with 1.4 million individuals.

California owes a great deal to the tradition of Asian Pacific Americans who have made their home in the Golden State since the 1800s.

To help honor that legacy, last year, Congress authorized the Angel Island Immigration Station Restoration and Preservation Act. Known as the ''Ellis Island of the West,'' over 1 million immigrants, including 175,000 Chinese immigrants, passed through its gateways to establish new lives on the west coast. Now, this location can continue to provide us with a vital link to our Nation's history and culture.

Let me take a moment to pay tribute to the visionaries who helped to create the Asian Pacific Heritage Month: Secretary of Transportation Norman Mineta; U.S. Senator DANIEL INOUYE; Former U.S. Senator Spark Masunaga; and Former Congressman Frank Horton.

Thanks to the leadership of these fine individuals, a joint resolution established Asian Pacific American Heritage Week in 1978, initially designating the first 10 days of May as the annual time of recognition. That was later expanded to a month-long celebration in 1992.

The month of May holds special significance for the Asian Pacific American community. It coincides with two important milestones: The arrival in the United States of the first Japanese immigrants on May 7, 1843; and the completion of the transcontinental railroad on May 10, 1869 thanks in large part to the contributions of thousands of Chinese workers. This year, the theme chosen to represent this year's Heritage Month is ''Dreams and Challenges of Asian Pacific Americans.'' It is designed to recognize the struggle of Asian Americans and Pacific Islanders who continue to stand firm against adversity in the pursuit of the American dream.

Sadly, the Asian Pacific American community understands all too well this struggle.

Their story has been entangled with several dark chapters of America's history.

It began in the 1800s, when people of Asian Pacific ancestry were prohibited from owning property, voting, testifying in court, or attending school.

This story of persecution regrettably continued throughout much of the 19th and 20th centuries: the Chinese Exclusion Act of 1882, which prohibited the immigration of Chinese to the United States; a 1913 California law, which prohibited immigrant aliens from owning land; the repatriation of Filipino immigrants in 1935; and the mandatory internment of Japanese Americans during World War II. This particular story remains a blight on the conscience of this great Nation.

Nevertheless, the Asian Pacific American community found a way to endure and persevere over these injustices and indignities.

In so doing, they to create a tradition of triumph over adversity that personifies the best of this Nation's character.

But our Nation cannot afford to overlook their sacrifice and struggle.

For this reason, I am proud that in the 109th Congress, Tule Lake—the largest internment camp of the 10 that existed—was designated as a National Historic Landmark. This will help future generations acknowledge and understand the painful legacy of the Japanese Americans who endured the shame of the forced internment camps used during the bleak days of World War II.

I would also like to take a moment to commend the 300,000 Asian Pacific American veterans who established the practice of military service for the thousands of Asian Pacific American men and women currently serving in our Armed Forces.

One such individual is my distinguished colleague, U.S. Senator DANIEL INOUYE of Hawaii.

Even though his loyalties to our Nation and that of many other Japanese Americans—were falsely and wrongly questioned during World War II, Senator INOUYE proudly participated in our Nation's most highly decorated unit, the Army's 442nd ''Go for Broke'' regiment combat team.

Since then, Senator INOUYE has continued to serve this country as a devoted public servant and exemplary citizen.

His story of boldness and aspiration is not unique. Throughout the decades, countless numbers of Asian Pacific Americans have worked tirelessly to build better lives for themselves and their families.

But although many Asian Americans have achieved success, we cannot forget the hardships of the Southeast Asian and Pacific Islander communities that were forced out of their homelands and who are now struggling to prosper here in America.

According to the 2000 Census, Southeast Asian Americans have the lowest percentage of education, with most possessing less than a high school education. They also have the lowest proficiency of English and one of the highest rates of receiving public assistance.

We cannot allow these individuals to be ignored or overlooked. I will do everything I can to help this community prosper.

In closing, as we reflect on many individual stories of achievement and success during this month of May, we are steadily inspired by the standards Asian Pacific Americans set in our schools, in the business world, and our neighborhoods. I am confident that their dynamic initiative and entrepreneurship will only continue to inspire us to greatness in the years to come.